



SCENIC RIVER PLAN FOR MIDDLE FORK OF BAYOU D'ARBONNE 1995

This document specifies general and specific management strategies used by the Louisiana Department of Wildlife and Fisheries as Administrator of the Louisiana Natural and Scenic River System to regulate activity on Middle Fork of Bayou D'Arbonne. The first part of this plan addresses conditions in and along Middle Fork of Bayou D'Arbonne and includes information on the designation as a Scenic River by the Legislature, claims to ownership, graphic material, characteristics and a survey of riparian owners. The final part of the plan addresses management with regard to water quality, land use, structural intrusions and recreation use.

Consistent with the purposes for the System, the objectives of this plan are to preserve, protect, develop, reclaim and enhance the wilderness qualities, scenic beauties and ecological regime of Middle Fork of Bayou D'Arbonne.

Mid Fork Bayou D'Arbonne

LOCATION:

Claiborne, Union and Lincoln Parishes in north central sub-region.



FISH AND WILDLIFE HABITAT:

This stream flows through a relatively narrow band of bottomland hardwoods flanked by upland mixed pine/hardwoods and stands of loblolly pine. The habitat diversity is high as is the biological diversity.



TYPICAL FISH & WILDLIFE SPECIES:

Game species, both fish and wildlife are probably optimum for the habitat carrying capacity. Non-game species diversity is moderate to high. Deer, squirrel, rabbit, upland game birds and waterfowl are common. Sunfishes, and the smaller species such as shiners, darters, chubs, and minnows abound.



PROTECTED/RARE/ENDANGERED/THREATENED SPECIES (PRETS):

The Natural Heritage Data Base indicates that there are several plant and animal species found in and along this stream which are considered PRETS.



GEOLOGICAL/HYDROLOGICAL FEATURES

This stream meanders for 43 miles through flat, alluvial bottomland. It's base flow is sustained by Alluvial and Cockfield Aquifer systems. Some geologic formations are locally exposed in the channel banks. Elevations range from 280 ft.(msl) to 80 ft.(msl). The stream gradient is 4.5 ft./mile.



WATER QUALITY

Water quality of Middle Fork is rated as good, and designated use support is rated as full.



HISTORICAL/ARCHAEOLOGICAL:

Only one site is known along this bayou. Very little is known about the cultural resources of the area, the waterway has not been surveyed. An archeological survey is recommended.



WILDERNESS QUALITY/SCENIC VALUE

The Middle Fork of Bayou D'Arbonne is almost entirely undeveloped, with over 90% of the corridor in natural vegetation. The pristine natural setting fosters high scenic quality and a general feeling of solitude.



RECREATION

Very limited information is available on the recreational uses of the remote Middle Fork of Bayou D'Arbonne. Access to the stream is limited primarily to bridge crossings and scattered public access points. Landuse patterns and ownership result in limited terrestrial access to the public. While the bayou is generally regarded to be too small for substantial canoeing or other boating activities, it does support a low-level population of bass and other game fish. The extreme lower reaches are accessible by boat from Bayou D'Arbonne Lake, which has a public boat ramp and recreation facilities.

WATER QUALITY MANAGEMENT

Direct Point Source Discharges. No potentially polluting discharge will be permitted by the Scenic Rivers Administrator if that discharge is directly into Middle Fork of Bayou D'Arbonne unless the existence of that discharge predates the inclusion of Middle Fork of Bayou D'Arbonne into the Scenic River System. Existing discharges will remain the exclusive responsibility of the Louisiana Department of Environmental Quality (DEQ) and the U.S. Environmental Protection Agency (EPA).

Any major modification or reauthorization of an existing discharge requiring the modification or re-issuance of a National Pollution Discharge Elimination System (NPDES) or State Permits will be subject to a Scenic River Permit and the non-degradation clause of the State Water Pollution Control Act will apply to the modified discharge. The determination of non-degradation of Middle Fork of Bayou D'Arbonne will be based upon the measured effect of the new, modified or re-authorized discharge compared to the measured effect or the preexisting discharge. That is, if the modified discharge results in no change in discharge characteristics, or in reduced concentration and volume of contaminants the Department of Wildlife and Fisheries (WL&F) will accept that discharge as permissible and will require a Scenic River Permit of the discharger in order for the discharge to continue directly to Middle Fork of Bayou D'Arbonne. A modified discharge resulting in additional pollutants in the waste stream, in higher concentrations of pollutants, or an increase in daily, monthly or annual volume of pollutants measured in pounds/day will be considered a degrading discharge and not permissible for direct discharge to Middle Fork of Bayou D'Arbonne.

Indirect Point Source Discharges. Indirect discharges are those discharges that do not enter directly into a Scenic River, but are discharged to tributary water bodies. Indirect discharges will not require a Scenic Rivers Permit providing (1) the discharge was present and entering the tributary prior to the inclusion of Middle Fork of Bayou D'Arbonne into the Scenic Rivers System or (2) the indirect discharge meets Louisiana Water Quality Standards and its effect cannot be measured in Middle Fork of Bayou D'Arbonne at the confluence of the tributary, thus meeting the requirements of the non-degradation clause of the State Water Pollution Control Act, and (3) the effluent resulting from any modification or re-authorization of an existing NPDES or State Permit for the discharge will meet the requirements of (2) above.

Indirect discharges to Middle Fork of Bayou D'Arbonne will be subject to regulation by WL&F, DEQ and EPA and will not be permitted by the Scenic Rivers Administrator if that indirect discharge will have a measurable impact on Middle Fork of Bayou D'Arbonne. If the discharge is shown to exert a negative impact on Middle Fork of Bayou D'Arbonne even if the discharge meets the State's water

discharge permit limitations, an alternate receiving water body for the discharge will be mandatory.

Non-point Source Discharges. Vegetation in the riparian zone along Middle Fork of Bayou D'Arbonne is an important component of non-point source pollution control and water quality maintenance. Removal of the riparian vegetative cover immediately adjacent to the stream edge, regardless of the purpose for that removal, will require a Scenic Rivers Permit. Any permitted activity which results in the clearing of riparian vegetation and/or re-shaping of the land in the riparian zone will, depending upon the nature of the project, require on-site mitigative actions designed to prevent or reduce erosion, trap sediment, and re-establish a vegetative buffer strip.

RIPARIAN LAND USE MANAGEMENT

WL&F recognizes and respects that the vast majority of the riparian land along the State's Scenic Rivers is privately owned. Therefore, the Department understands that it has limited or no authority to regulate this property provided those activities do not affect property belonging to the State and the people of Louisiana. State property includes the flowing water in rivers, creeks, streams and bayous and all natural populations of fish and wildlife. The Department will enforce its authority to regulate and require a permit for those activities on private property that will directly, significantly and negatively impact the ecological integrity of Middle Fork of Bayou D'Arbonne.

In order for the Department to be able to exercise the type of control in riparian areas that is mandated by the Scenic River Act it may be necessary to preserve or enhance the scenic values and wilderness quality of Middle Fork of Bayou D'Arbonne. The Department will establish a working relationship with riparian owners in an attempt to provide technical assistance to those landowners dealing with fish, wildlife and habitat management and enhancement. If riparian landowners express their intent to continue to maintain the natural character of their stream bank property without the assistance of the State, the Department will respect the rights of those landowners. In lieu, as an overall management tool for maintaining wilderness quality, scenic value and adequate fish and wildlife habitat in riparian corridors along Middle Fork of Bayou D'Arbonne, the Department will negotiate Scenic Easements with willing landowners. These Easements will be designed to provide maximum protection to the wildlife habitat along and in Middle Fork of Bayou D'Arbonne while accommodating without usurping the landowners use and enjoyment of his or her property.

STRUCTURAL INTRUSIONS MANAGEMENT

Governmental Agencies. Structural intrusions by governmental agencies on include highway and parish road bridges, flood control projects, drainage programs, navigation projects and any other project that requires the issuance of any Federal, State or local permit. Class A structural intrusions on are expressly prohibited by the Scenic Rivers Act and cannot be permitted. Class A uses are (1) channelization (2) clearing and snagging (3) channel realignment and (4) impoundment.

Bridges. New bridge crossings, replacements and repairs to existing bridges over Middle Fork of Bayou D'Arbonne will require a permit. Consistent with Federal and State construction and safety requirements, all new and replacement bridge crossings will avoid direct impact to the stream bed by using construction techniques which minimize or eliminate the need for structural support features in the stream. Rights-of-way will be reduced to the absolute minimum width required for physically locating and constructing the bridge and approaches. Filling of the flood plain to construct bridge approaches is discouraged by the Administrator. Fill will reduce the carrying capacity of that flood plain and restrict the flood flows. The Department prefers maximizing the use of raised structure in lieu of "on grade" construction across the floodplain. The issue of construction on grade or on structure will be negotiated with the construction agency and will be addressed in the Scenic Rivers Permit.

Bridge crossings will be located to the maximum extent practicable across Middle Fork of Bayou D'Arbonne in a reach with low potential for lateral migration of the stream bed in order to reduce potential future problems for the stream and the bridge. Disturbance of the natural bank of Middle Fork of Bayou D'Arbonne during construction of the bridge is to be avoided. Equipment will not be allowed to ford the stream unless no alternative method of construction is possible. All disturbed areas will be revegetated using native plant species as soon as possible after disturbance and accepted erosion control practices will be use throughout the construction phase of the project. No construction debris will be allowed in the stream, and all debris will be removed after construction is complete. Construction equipment will be stored or situated such as to prevent accidental spills of petroleum products or other chemicals from entering the stream. On site supervisory personnel will be responsible for adhering to all stipulations of any Scenic Rivers Permit.

Consideration of public access to Middle Fork of Bayou D'Arbonne at bridge crossings on public rights-of-way should be part of the planning process, and, if feasible, be incorporated by the Department of Transportation and Development (DOTD) as a project feature. This consideration is applicable to upgrading and replacing existing bridges as well as the construction of new bridges. Planning for public access must consider whether a boat launching ramp is appropriate and

whether a reasonable amount of safe parking area can be provided. A sign indicating that Middle Fork of Bayou D'Arbonne is a Louisiana Natural and Scenic River will be placed in a prominent location along the bridge approaches on both sides of the stream.

Flood Control, Drainage and Navigation. Impoundments, channelization, clearing and snagging and channel re-alignment are prohibited by the Louisiana Natural and Scenic Rivers Act. Therefore, flood control and navigation projects on all Scenic Streams, with a few exceptions, are not permissible. Flood control, drainage and navigation projects on streams tributary to may or may not require a Scenic River Permit. If the project will have an effect on the Scenic River, then a permit will be required. If the impacts of the flood control, drainage or navigation project are reported to be substantial and the result is a water quality problem, the non-degradation clause of the State's Water Pollution Control Act will be triggered. Under certain conditions the removal of obstructions from the stream can be accomplished. Proposals to remove those obstructions must be communicated to and coordinated with WL&F.

WL&F will object to the construction of flood control or navigation projects in any of the watersheds draining to Middle Fork of Bayou D'Arbonne unless it is determined that permit is not required or permit is issued to the construction agency prior to beginning construction. The Scenic River Permit issued for activities in a watershed may contain provisions not found in the other permits that are required for these types of projects, i.e., Coastal Use Permits or 404 Permits. However, if proper coordination is achieved between the applicants, the Louisiana Department of Natural Resources (DNR), U. S. Army Corps of Engineers (COE) and WL&F prior to submitting a final application to the other permitting agencies, mitigative measures can be coordinated to achieve expeditious issuance of a Scenic River Permit. Both DNR and COE will withhold issuance of their permits until a Scenic River Permit is issued by WL&F or until the Department determines that no Scenic Rivers Permit is required.

WL&F will establish close communication and will coordinate and cooperate with parish government in parishes through which Middle Fork of Bayou D'Arbonne flows. The coordination is important to both the parish government and the Department in order that no activity proposed by the parish government will be in violation of State law.

Other Projects. Any other project which requires a Federal, State or local permit and which will have an environmental impact on Middle Fork of Bayou D'Arbonne will require a Scenic River Permit. Those projects include, but are not limited to, Community Development Block Grant Projects (CDBG), Farmers Home Administration Projects (FHA), Department of Housing and Urban Development Projects (HUD), Federal Energy Regulatory Commission Projects (FERC), Coast

Guard Permits (CG), Federal Aviation Administration Permits and Projects (FAA), and Nuclear Regulatory Commission Projects and Permits (NRC). Each of these and other projects will have to be evaluated case-by-case in order to determine whether or not a Scenic River Permit will be required for project implementation or whether the activity might constitute a prohibited use.

WL&F will make contact with local governing authorities to insure that local building and other types of permits for activities that may impact will include a consideration of Middle Fork of Bayou D'Arbonne before those permits are issued. Local recreation facility development will be coordinated with the parish governing authorities, tourist commissions and development authorities to encourage the proper development and maintenance of those facilities to be located along Middle Fork of Bayou D'Arbonne.

Major Private Industry Projects. The seven most common intrusive activities conducted by the private sector are pipeline corridors, powerline corridor, oil and gas exploration, sand, gravel and fill material extraction, agricultural operations, silviculture and real estate development. Any of these activities may require a permit depending upon the proximity of the activity the potential to negatively impact Middle Fork of Bayou D'Arbonne. Activities outside of the 100 foot buffer zone will be evaluated case-by-case.

Pipeline Corridors and Crossings. Every pipeline crossing on Middle Fork of Bayou D'Arbonne will require a Scenic River Permit unless a construction method which allows the crossing without breaching the bank and ditching through the stream bed is used. It is the policy of the Administrator to require subterranean, directional drilling of pipeline crossings on Middle Fork of Bayou D'Arbonne. If that methodology is used, and the drilling will take place such that the pipe will submerge and re-emerge at a distance of greater than 100 feet from the high bank of the stream, a Scenic River Permit will not be required for the crossing. All pipeline crossings must be in excess of five feet below the deepest part of the river channel.

If directional drilling is not practical, a permit will be required for the crossing. The permit will stipulate bank restoration, revegetation and erosion control requirements and the method of right-of-way maintenance adjacent to the stream. Additionally, any further mitigation requirements for unavoidable damages will be enumerated. The permit will also stipulate that the pipeline will be buried at least five feet below the bottom of the deepest portion of the channel and the channel will be returned to its original bottom contour and composition. Other stipulations and emergency procedures in case of pipeline exposure or rupture will be determined on a case-by-case basis.

Powerline Corridors and Crossings. Every new powerline crossing Middle Fork of Bayou D'Arbonne whether aerial or subterranean will require a Scenic Rivers Permit. It is not the policy of the Administrator to discourage either aerial or subterranean crossings. It is realized that subterranean crossings can have a greater ecological impact on the Scenic River than an aerial crossing, the impact of which is primarily visual. The permit will stipulate bank restoration, revegetation and erosion control requirements and the method of right-of-way maintenance adjacent to the stream. Additionally, any further mitigation requirements for unavoidable damages will be enumerated.

Oil and Gas Exploration and Extraction. Seismic exploration will not be allowed within 100 feet of either side of Middle Fork of Bayou D'Arbonne. Under no circumstances will a seismic shot be allowed within the channel. Therefore, no Scenic River permit is required for this activity, except as follows. While a seismograph cable may be strung across the stream by hand, and sensors may be placed in the stream, no equipment will be allowed to ford the stream except under very exceptional circumstances. Under those circumstances, a Scenic Rivers Permit will be required for the crossing and damages to the banks and stream bed will be mitigated.

No drilling will be allowed within 100 feet of either side of Middle Fork of Bayou D'Arbonne. If the "bottom of the hole" must be in a position directly under the stream corridor, the hole must be directionally drilled. Mud pits, sludge pits and produced water pits cannot be located such that any accidental levee breach or spill will result in material entering Middle Fork of Bayou D'Arbonne. It is the policy of the Administrator to encourage vessel containment of the above materials and removal of the material from the site. If the drilling location is in a position such that leaks, spills and discharges could enter Middle Fork of Bayou D'Arbonne directly or via a tributary, then a permit will be required. No drill cuttings or produced water will be allowed to be discharged to Middle Fork of Bayou D'Arbonne.

If access to the well passes within 100 feet of Middle Fork of Bayou D'Arbonne and is not along a pre-existing access route or road, Permit will be required for construction of the access road. Permanent facilities such as production platforms, tank batteries, heat treaters, flow lines and lift lines will require a separate permit.

Boat access to a drilling location via Middle Fork of Bayou D'Arbonne is prohibited unless water depth at low water or low tide is sufficient to accommodate the draft of the vessel without dredging or wheel washing. The dredging of canals or slips which connect directly to Middle Fork of Bayou D'Arbonne will be an option of last resort. All other potential access routes to a location near Middle Fork of Bayou D'Arbonne must be considered and determined to be infeasible before the

Administrator will consider accepting an application for a Scenic Rivers Permit to conduct such dredging.

If an application for the above action is accepted, the applicant can expect to provide for extensive shoreline protection, mitigation, and, if the well is a non producer, restoration. Excessive boat traffic to and from the location will be considered a significant impact to both the stream and the immediate banks. Therefore, that activity must be addressed and specifically considered in the permit.

Sand, Gravel and Fill Material Extraction. Sand, gravel and fill material extraction from the stream bed of any Scenic River including mining of gravel bars in braided portions of the stream channel is prohibited. The mining of sand or gravel bars, or the removal of fill material from Middle Fork of Bayou D'Arbonne is, therefore, an activity that cannot be permitted. Sand, gravel and fill material extraction from adjacent riparian, private lands is not a prohibited activity, but may require a Scenic Rivers Permit depending upon the distance of the activity from the stream and the relationship of the mining operation to the stream. Discharges of tailings and wash water directly to the stream or indirectly to the stream via a tributary or man-made ditch which results in an increase in the turbidity of the stream is considered a violation of the non-degradation clause of the Water Pollution Control Act and is, therefore prohibited by the Scenic River Act. Any mining operation existing or proposed along Middle Fork of Bayou D'Arbonne is subject to regulation by WL&F, and may be required to secure a Scenic Rivers Permit from the Administrator to continue legal operations.

Agricultural Operations. Removal of water from Middle Fork of Bayou D'Arbonne for irrigation of farmlands or other uses is an activity that requires a Scenic Rivers Permit from the Administrator. Water which is used to irrigate fields may not be allowed to flow directly back into Middle Fork of Bayou D'Arbonne without treatment because of the potential for increasing the turbidity of the stream or contaminating the stream with agricultural chemicals.

Clearing of riparian vegetation and cultivating to the immediate edge of Middle Fork of Bayou D'Arbonne is discouraged by the Administrator and requires a permit from the Administrator because of the potential for ecological degradation of the stream. Conditions in a permit for this type of activity will be conditioned such that a vegetative strip will remain adjacent to the stream in order to provide a buffer for protection of fish and wildlife resources and a filter strip for protection of water quality and a sponge to absorb flood waters. The Administrator requires Soil Conservation Service (SCS) recommended land treatment measures be implemented by agricultural landowners along all of the Scenic Streams if runoff from these lands drain into the Scenic Stream.

Aerial application of pesticides and fertilizers to fields adjacent to Scenic Streams must be permitted. The potential for direct contamination and accidental contamination by drift poses a threat to the ecological integrity of any stream.

Silviculture. Clearcutting of trees for commercial purposes is prohibited within 100 feet of Middle Fork of Bayou D'Arbonne. Silviculture Best Management Practices (BMPs) have been developed by the Louisiana Department of Agriculture and Forestry (LA&F) and the Louisiana Forestry Association (LFA). WL&F encourages the use of BMPs throughout the State, but particularly adjacent to the Scenic Streams.

Prior to beginning any harvesting activity along Middle Fork of Bayou D'Arbonne, notification must be given to LA&F who will, in turn, notify WL&F. Personnel will attempt to make a site inspection with the forester in charge of the proposed cutting operation to insure consideration for the 100 foot buffer zone. At that time, if selective cutting is to take place within the 100 foot buffer zone, those trees which will be left standing shall be clearly marked.

Real Estate Development. Real estate development which would result in altered drainage patterns or clearing of property near the river or increased runoff potential from surrounding lands may require a Scenic Rivers Permit from the Administrator. Ancillary activities associated with real estate development such as sewage discharges and improved drainage into Middle Fork of Bayou D'Arbonne may have a direct, ecological impact on the stream. Any development within 100 feet of Middle Fork of Bayou D'Arbonne will require a permit and must be compatible with uses described for the streams in the Scenic River Act. Construction outside of the 100 foot buffer strip along the stream will not require a permit providing there is no direct, significant, ecological impact to the stream proper. Developers are encouraged to establish a Scenic Easement within the 100 foot buffer zone through negotiations with the Administrator of the Scenic River System.

Individual Projects. All projects of individuals which encroach upon Middle Fork of Bayou D'Arbonne will require Scenic River Permits from the Administrator. Examples of projects needing a Scenic Rivers permit are bulkheads, piers, boathouses, camps, bank stabilization projects, boat launch ramps, floating docks and boat houses, permanent or temporary water intake structures, private bridges, etc. Anything that is placed or constructed immediately adjacent to or into the stream is subject to a permit. Each project will be evaluated on its own merit and stipulations and conditions may be placed on the activity via the permit conditions.

Under no circumstances will car bodies, appliances, construction debris, tires, tree tops or any other material not specifically designed for bank stabilization and erosion control be allowed to be used adjacent to or in a Scenic River. This restriction applies to Middle Fork of Bayou D'Arbonne. Erosion control methods

and materials must meet certain criteria and must be designed to complement the natural stream bank.

Clearcutting of trees for commercial purposes within 100 feet of is prohibited by the Scenic River Act. Removal of trees in the 100 foot corridor by the landowner for personal use or disease control is exempted from regulation by the Act. Disposal of trees or tree tops into Middle Fork of Bayou D'Arbonne is a violation of both the State Water Pollution Control Act and the Scenic River Act. The riparian landowner is liable for a violation of this nature regardless of who actually placed the trees or tops into the stream. Therefore, the Administrator encourages the riparian landowners to be particularly cognizant of logging operations their land.

RECREATIONAL USE MANAGEMENT

The designation of a watercourse as a Scenic River does not convey property rights to the State over privately owned riparian lands. There is, therefore, no obligation for WL&F to provide public access to Scenic Rivers. And while it is certainly not Departmental policy to discourage recreational uses on the Scenic Rivers by the public, neither is it Departmental policy to be an advocate for uses which conflict or have high potential for conflict with statutes or with private property rights.

WL&F does not presently intend to regulate such activities as canoe liveries or tubing on the Scenic Rivers. However, should commercial enterprises such as this become established or increase in and along a Scenic River to the extent that they are found to exert a direct, significant, negative impact on the ecological regime of the river through overuse or abuse, a Scenic River Permit will be required. The Louisiana Legislature has exempted portions of certain rivers in the System for the clearing of canoe trails and the prohibition against clearing and snagging by definition allows the removal of some but not most obstructions from a Scenic River if a permit has been issued for this. Sections of trees that are removed will be minimal, that is, just wide enough to allow canoes or small craft to pass without pull-overs. Removals and cuts will be done in such a manner as not to leave prominent evidence of sawing where it is practical. Other abuses of Scenic Rivers which will prompt stricter control over uses, include, but are not limited to, significant increases in trespass, vandalism and littering problems associated with recreational use.



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